

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITY OF ALMATY, KAZAKHSTAN,
and BTA BANK JSC

Plaintiffs,

v.

MUKHTAR ABLYAZOV, ILYAS
KHRAPUNOV, VIKTOR KHRAPUNOV
and TRIADOU SPV S.A.,

Defendants.

No. 15-cv-05345 (AJN) (KHP)

DECLARATION OF MATTHEW L. SCHWARTZ

MATTHEW L. SCHWARTZ, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am a Partner in the law firm of Boies Schiller Flexner (“BSF”), counsel for Plaintiffs BTA Bank and the City of Almaty, Kazakhstan (the “Kazakh Entities”) in the above-referenced action. I make this declaration in further support of the Kazakh Entities’ motion for discovery sanctions against defendants Mukhtar Ablyazov, Viktor Khrapunov, Ilyas Khrapunov, and Triadou SPV S.A.
2. Attached hereto are true and correct copies of the following documents:
 - a. Exhibit 1 is a copy of excerpts from the deposition of Nicolas Bourg.
 - b. Exhibit 2 is a copy of excerpts from the deposition of Felix Sater.
 - c. Exhibit 3 is a copy of excerpts from the deposition of Mukhtar Ablyazov.
 - d. Exhibit 4 is a copy of a document previously produced in this action, Bates stamped CHETRIT00001727.

- e. Exhibit 5 is a copy of a document previously produced in this action, Bates stamped TRIA0003073.
- f. Exhibit 6 is a copy of a document previously produced in this action, Bates stamped TRIA0007007.
- g. Exhibit 7 is a copy of a document previously produced in this action, Bates stamped TRIA0007680 and identified as PX76 at depositions in this action.
- h. Exhibit 8 is a copy of the Agreed Consolidated Protective Order for Confidential Information from the Fairfax County, Virginia Circuit Court case *BTA Bank v. Gaukhar Kussainova*, No. CL-2016-8335.
- i. Exhibit 9 is a copy of excerpts from the deposition of Ilyas Khrapunov.
- j. Exhibit 10 is a copy of Ilyas Khrapunov's objections to the Kazakh Entities' Second Set of Interrogatories, dated November 27, 2017.

Dated: New York, New York
February 11, 2019

Respectfully,

/s/ Matthew L. Schwartz
Matthew L. Schwartz